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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,171	01/03/2007	Yekutiel Josefsberg	LUZ034PU	7087
22948	7590	06/19/2009		
MARSTELLER & ASSOCIATES P O BOX 803302 DALLAS, TX 75380-3302			EXAMINER NGUYEN, TU X	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/19/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,171

Applicant(s)

JOSEFSBERG, YEKUTIEL

Examiner

TU X. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7, 9-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6, 7 and 19 is/are allowed.
- 6) ☒ Claim(s) 9-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 and 13-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefl (US Patent 5382970) in view of Stephens (US Patent 6424816).

Regarding claim 8, Kiefl disclose apparatus for determining the efficiency of publicity and/or broadcasted programs, which comprises, in combination with a TV converter or FM radio, the following components:

Means for determining the frequency of the transmission that is being watched or heard at the moment that the apparatus is operated (col.8 lines 27-32);

A central control station having central transceiver means for transmitting a request for information, when such information is desired, receiving the replies transmitted by said auxiliary transceiver (col.2 lines 56-62).

Kiefl fails to disclose means for deriving from said frequency a corresponding digital word;

An auxiliary transceiver for receiving said digital words and transmitting them when a request for information is received.

Stephens discloses means for deriving from said frequency a corresponding digital word (abstract, "coded signal" corresponds to digital word"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kiefl with the above teaching of Stephens in order provide individual radios themselves transmitted a unique code frequency based on the particular station that the receiver was tuned to, an accuracy technique and the number of radio listeners able to be surveyed.

The modified Kiefl disclose an auxiliary transceiver for receiving said digital words and transmitting them when a request for information is received (Stephens, col.3 line 60 through col.4 line 3);

And the means for determining the frequency of the broadcast are chosen from the group consisting of:

A. an optical reader which reads the frequency displayed on the TV converter or FM radio;

B. an RF detector provided with an antenna, which is placed in the vicinity of the TV converter (fig.4, elements 20A, a LO is inherent include for any convention FM receiver of radiotelephone device) or FM radio and receives an LO signal normally emitted by the TV converter or FM radio which indicates the frequency of the current broadcast;

C. a digital interface device included in the TV converter or FM radio which receives the same digital command word setting the TV converter or FM radio to the frequency of the current broadcast station and transfers said digital word to the transceiver.

Regarding claim 9, the modified Kiefl discloses memorizing the digital word corresponding to the frequency of the channel which is being received (Kiefl, col.6 lines 38-51).

Regarding claim 10, the modified Kiefl discloses processing the replies whereby to determine from them the time period during which each publicity and/or broadcasted program is transmitted (col.2 lines 47-63).

Regarding claim 11, the modified Kiefl discloses the transmitter part of the auxiliary transceiver is may be inactive and does not transmit until the receiver part of the auxiliary transceiver receives a request and activates said transmitter part (col.2 lines 47-63).

Regarding claims 13 and 16, the modified Kiefl discloses wherein the TV converter or FM radio is a conventional one (Kiefl, fig.4, element 15A).

Regarding claim 14, the modified Kiefl discloses wherein the auxiliary transceiver is a digital cellular telephone (Kiefl, fig.5).

Regarding claim 15, the modified Kiefl fails to disclose wherein the auxiliary transceiver is a special transceiver such as used for car tracking or alarm systems, the Examiner takes an Official notice that the concept for car tracking or alarm systems are well known in the art.

Regarding claim 17, the modified Kiefl discloses wherein the TV converter or FM radio is or includes a receiver chosen from the group that can be consisting AM, L-band, television

sets (Kiefl, fig.4), radar receivers and the like, either alone or in combination with the detectors of FM stations.

Regarding claim 18, the modified Kiefl discloses wherein the processing station is part of the central control station (Kiefl, fig.2).

Allowable Subject Matter

Claims 1-3, 6-7 and 19 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to teach wherein the replies are processed graphically, as cited in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

6/16/09